

United States Department of Justice  
Office of the United States Trustee  
300 Plaza Tower  
110 N. College  
Tyler, Texas 75702  
(903) 590-1450

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

In Re	§	
	§	
	§	
Papool S. Chaudhari	§	Case No. 19-43357
1505 Bankston Dr.	§	
Wylie, TX 75098	§	
SSN / ITIN: xxx-xx-4482	§	
dba Chaudari Law PLLC	§	
	§	
Shialo L. Chaudhari	§	
1505 Bankston Dr.	§	
Wylie, TX 75098	§	
SSN / ITIN: xxx-xx-3416	§	
	§	Chapter 7
Debtors	§	

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**U.S. TRUSTEE'S MOTION TO  
DISMISS PURSUANT TO 11 U.S.C. §707(b)**

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**14-DAY NEGATIVE NOTICE LANGUAGE – LBR 1017(b)**

**YOUR RIGHTS MAY BE AFFECTED BY THE RELIEF SOUGHT IN THIS PLEADING. YOU SHOULD READ THIS PLEADING CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THE BANKRUPTCY CASE. IF YOU OPPOSE THE RELIEF SOUGHT BY THIS PLEADING, YOU MUST FILE A WRITTEN OBJECTION, EXPLAINING THE FACTUAL AND/OR LEGAL BASIS FOR OPPOSING RELIEF.**

**NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE**

**DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING WITH APPROPRIATE NOTICE. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT WILL THEREAFTER SET A HEARING. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE PRESIDING:

The United States Trustee for Region 6, Northern and Eastern Districts of Texas (“U.S. Trustee”), files in the above-numbered and captioned bankruptcy case (“Case”) this Motion to Dismiss Under 11 U.S.C. § 707(b) (“Motion”).<sup>1</sup> In support of the Motion, the U.S. Trustee respectfully states as follows:

### **Jurisdiction**

1. The Court has jurisdiction of this matter under 28 U.S.C. § 1334(a) and (b), 28 U.S.C. § 157(a) and (b)(1), and 28 U.S.C. § 151. This is a core proceeding under 28 U.S.C. § 157(b)(2). The predicate for the relief requested herein is Bankruptcy Code sections 707(b)(2) and (3).

### **Cause for Relief**

2. The Debtors commenced this case with the filing of a voluntary petition under Chapter 7 of Title 11 on December 13, 2019. Mr. Christopher Moser was appointed as trustee,

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<sup>1</sup> 11 U.S.C. §707(b)(1) states in pertinent part:

After notice and a hearing, the court, on its own motion or on a motion by the United States Trustee . . . may dismiss a case filed by an individual Debtors under this chapter whose debts are primarily consumer debts, or with the Debtors’ consent, convert such a case to a case under chapter 11 or 13 of this title, if it finds that the granting of relief would be an abuse of the provisions of this chapter . . .

and he continues to serve in that capacity. According to the petition and other documents filed by the Debtors, the Debtors have primarily consumer debts.

3. The initial date for the Chapter 7 meeting of creditors pursuant to section 341 was set and noticed for January 10, 2020. The general deadline for the filing of a motion pursuant to 11 U.S.C. §707(b) is March 10, 2020. On January 14, 2020 the United States Trustee filed a statement with the court that a presumption of abuse arises against the Debtors (“the Ten Day Statement”). This motion is filed within thirty days of the Ten Day Statement, and is therefore timely. 11 U.S.C. §704(b)(2).

4. This motion is filed in an abundance of caution due to the filing time limit set by 11 U.S.C. §704(b)(2). To date the United States Trustee has still not received satisfactory responses and documentation from the Debtors in order determine whether the presumption of abuse has been rebutted, or whether there is any implication of the bad faith or totality of the circumstances prongs of Section 707(b)

5. The United States Trustee reserves the right to supplement the grounds for the dismissal of this case upon the Debtors’ provision of additional information.

WHEREFORE, the U.S. Trustee requests that the Court issue its order dismissing this Case pursuant to section 707(b)(1). The U.S. Trustee also requests such other relief as may be just.

Dated: February 11, 2020

Respectfully submitted,

William T. Neary  
United States Trustee

/S/ Timothy W. O’Neal  
Assistant U.S. Trustee  
Texas Bar 15283350  
300 Plaza Tower

110 North College  
Tyler, Texas 75702  
(903) 590-1450  
(903) 590-1461 (Fax)

**Certificate of Service**

The undersigned hereby certifies that a copy of the foregoing document was served on the following listed persons through the court's electronic notification system as permitted by Appendix 5005 to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas by first class United States Mail, postage prepaid, no later than February 11, 2020.

/s/Timothy W O'Neal

**DEBTORS:**

Papool S. Chaudhari  
Shialo Chaudhari  
1505 Bankston Dr.  
Wylie, TX 75098

**DEBTORS' COUNSEL:**

Richard A. Pelley  
905 N. Travis St  
Sherman, TX 75090

**NOTICES OF APPEARANCE:**

None